

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(Attorney Docket No. 15032US02)**

<p>In the Application of:</p> <p style="text-align: center;">Jeyhan Karaoguz</p> <p>Serial № 10/672,648</p> <p>Filed: September 26, 2003</p> <p>THIRD-PARTY ACCESS AND CONTROL OF MEDIA PERIPHERALS ON A MEDIA EXCHANGE NETWORK</p> <p>Examiner: Kevin T. Bates</p> <p>Group Art Unit: 2456</p> <p>Confirmation № 8226</p>	<p style="text-align: right;"><i>Electronically filed on November 30, 2011</i></p>
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**REPLY BRIEF**

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief responds to the Examiner's Answer mailed on October 13, 2011. Claims 1-14 and 36-55 are pending in the present application. This Reply Brief is timely filed within the period for reply, which ends on December 13, 2011.

## REMARKS

As an initial matter, the Appellant notes that the arguments set forth in the Examiner's Answer are essentially the exact same as those set forth in the Final Office Action. Accordingly, the Appeal Brief addresses these arguments. The Appellant will now address certain issues raised in the "Response to Arguments" section of the Answer.

### Claim 1

"All words in a claim must be considered in judging the patentability of that claim against the prior art." (*See* MPEP § 2143.03.) Regarding the rejection of claim 1, the Examiner states that "secure connections are closed connections." (*See* Answer, p. 13.) However, this is untrue. For example, the Webster's definition of **SECURE** includes:

- 2      a : free from danger
- b : free from risk of loss
- c : affording safety
- d : trustworthy, dependable

and, the Webster's definition of **CLOSED** includes:

- 3      a : confined to a few
- b : excluding participation of outsiders or witnesses : conducted in strict secrecy
- c : rigidly excluding outside influence

The Examiner clearly contradicts his "official notice," as discussed in the Appeal Brief, and fails to consider all words of claim 1 when judging its patentability.

### Claim 54

Regarding the rejection of claim 54, the Examiner states:

Claim 54 further requires that the device at the first location selects and requests the media peripheral of the second location perform a select operation. Ellis '208 teaches a remote program guide access device implements operations onto interactive program guide equipment, television equipment, and other peripherals at a second location. *See* ¶107. As result, Ellis teaches that the device at the first system can perform select operations on at least one media peripheral at a second location. (Emphasis added.)

*See Answer*, pp. 13-14. Claim 54 comprises:

selecting, using **the television at the first location**, an operation of the at least one media peripheral;

requesting performance of the selected operation on the at least one media peripheral using **the television at the first location**;

Claim 54 requires that the television is at the first location. However, the Examiner cites a television at the second location and does NOT cite a television at the first location.

### **Claim 5**

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard:

The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Indeed, the rules of the PTO require that application claims must "conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description." 37 CFR 1.75(d)(1).

*See MPEP 2111*. Regarding the rejection of claim 5, the Examiner states, "[i]n order to meet the breadth of the limitation, the prior art must disclose one single operation from the list of operations because that is all the claim requires." (*See Answer*, p. 14.)

It is clear that the Examiner has NOT given claim 5 its “broadest reasonable interpretation consistent with the specification.” Claim 5 is dependent on claim 54, which recites in part “selecting, using the television at the first location, an operation of the at least one media peripheral.” Therefore, claim 5, as it depends on claim 54, comprises:

selecting, using the television at the first location, ... one of:

- powering said media peripheral on or off;
- scanning said media peripheral in angle about at least one axis of rotation;
- transferring stored media from the media peripheral to the first system;
- transferring stored media from the first system to the media peripheral;
- transferring software from the first system to the media peripheral;
- transferring status information from the media peripheral to the first system;
- initiating a test of the media peripheral;
- initiating a trick mode of the media peripheral;
- determining whether the media peripheral is within communication range of the second system;
- putting the media peripheral into a sleep state; or
- changing a parameter of the media peripheral.

The Examiner’s interpretation of claim 5, as it depends on claim 54, would include selecting one of ONLY ONE operation. Clearly, claim 54 would be illogical according to the Examiner’s interpretation of claim 5. The Webster’s definition of SELECT is “to choose (as by fitness or excellence) from a number or group.” However, the Examiner is alleging that the “broadest reasonable interpretation” of claim 5, which depends on “selecting” as recited in claim 54, requires that “selecting” be interpreted to mean choosing from ONLY ONE operation – not from “a number or group.”

## CONCLUSION

For at least the foregoing reasons, the Appellant submits that claims 1-14 and 36-55 are in condition for allowance. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested. The Commissioner is hereby authorized to charge any fees or credit any overpayment in connection with this filing to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Date: November 30, 2011

Respectfully submitted,

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